App. F. IX-4 Revised

*Previous References* 1936-7-8 ( )

File No. 302-37

Serial Nos. 1-2

My 405-15-1-2
316-36-(2)
Letter References.
Revenue 322-38-(4).
LR (1)5-40 (2,3).
LR326-40-(1-2)

# GENERAL AND REVENUE SECRETARIAT.

*Serial Nos.* Two.

**Part B for** ~~1936~~ 37.

**SUBJECT.**

Re alienation of portion of Devadaya Inam Village of Alur Hiriyur Taluk. Endorsed to Sri Chandrashekhar Inam

To the Agent, Sri Chandrashekhar Inam Basavangudi Bangalore

WD 0418—GPB—22,500—29-8-36

State that Govt see no reason to reopen the case which has settled several years ago.

15/6/39

# OFFICE OF THE DEWAN OF MYSORE.

ORDERS.

OFFICE NOTE

Submitted for orders

1) Mr N Venkata Rao with the agent of the Sri Uttaraji Mutt begs for a short interview with the Dewan to explain the case of the Mutt re alienation a portion of the Inam village of Ahur about which the Negrai Commissioner has sent a D.O. reply which is before the Dewan now

he says

2) The gentleman says he has already seen the Dewan re the matter re

Orly

NRR

24/5

3) The P.C's letter mentioned yesterday is attached. He says there are no new grounds for reopening the question.

Mr Venkata Rao says the case of the Mutt has not been properly considered when final orders were passed. If apply the papers may be sent to him for putting forward his views. The commissioner records,

CR
24/5

DEWAN'S OFFICE
MAY 1938
24-17-1

5) Expressed them accordingly CR 24/5

1360

General and Revenue Secretariat — Mug File No. 302 of 1937. [App. F. III—2

| Serial No. | |
|---|---|
| | Hr. G.S. 4 Please put up with the records & any other A.S Mug 2) 25/5/38 Lw |
| | 5 Mug 316-36-2 is put up for reference; in |
| xP | Endt. No. 143 dated 4.8.37 the agent of Sri Uttaradi Mutt has been told that Govt. see no reason to reopen a question which has been decided |
| xM | in G.O No. 3837-8/Mug. dated 8/2/07 directing that portions of Alur Village Hiriyur TK be released from attachment restored to the pattadar Kallapanada Punachas & Cowrishis made during the period of attachment do be issued to him — Re: the old Cowrishis of 1904 & |
| xO | GS 1907. vide Nos in paras 5-7, page 4 Mug 316-36-2 31/5 (put up). 7/6/38 The file leading to the G.O. dated 8th Feby. 1907 is not available. |
| | 2.6.38. Lw 2/6 |
| | GENERAL SECRETARY'S 2 JUNE 1938 7234 A portion of the Inam lands in Alur village Hiriyur Taluk belonging to the Uttaradi Mutt had been gifted away in 1800 by a previous Swamiji to the ancestors of one Gurunayachar & they continued in possession in 1904, the Mutt [illegible] |

NOTE—Contn Sheet.

WD 0281—GPB—30,000—1-8-37

attached by the Govt. Guruvayachar applied for release from attachment of the property. In 1907, the Govt after enquiry ordered release from attachment.

The Swamis of the Mutt has petitioned the Dewan for restoration of the lands to him. The Huzur Commissioner to whom the petn had been sent from the Dewan's office has replied that there is no ground to reopen the question which has been settled long back.

A Revision petn had been filed before the Govt in 1937 & this was rejected (Flag P)

The intention of the Mutt appears to be that Govt should initiate proceedings under Sec 30 of the Rel. & Chy. Endt. Reg to be taken by the Huzur office. If the matter were res integra, this may have been possible. The question that arose in 1907 was no doubt one as to whether the Govt should keep these lands under attachment or not. The enquiry held was a sort of exparte enquiry in which the Mutt was not represented. However the Govt have passed a full order on the title to the property

Re: alienation of a portion of Devadayam Inam Village of Alur - Hiriyan T.R. endowed to Sri Ullanadi Mutt.

General and Revenue Secretariat | Mc File No. 302 of 193 | [App. F. III—2

Serial No.

and the Govt Counsel revise that order at this distance of time.

11) Even proceedings under Sec 30 would not very much help the Mutt. According to the proviso, alienations prior to 1853 must be dealt with in accordance with the Inam Rules which prescribe that lands held for over 50 years should be continued to the holder.

12) In these circumstances there is no case for the Mutt before the Govt.

13) If the Mutt's contention is sound viz that the alienation was not in 1806 - They may file a suit in a civil court - so advised. But even a suit will not lie during the lifetime of the present incumbent as it is more than 12 years since he was installed. The period of limitation for each successive Swamiji to set aside an alienation is 12 years from his installation (See Rumbers)

14) The agent Mr Venkata Rao intends to represent matters in regard thereto when he may be asked. To appear in any office day at 3.30

OFFICE OF THE FIRST [illegible] OF COUNCIL
AUG 15 1938
1555

NOTE—Contn Sheet.

WP 0251 -GPB—30,000—13 8 37

5) Alienation of portion of Alur Village - Hiriyur TK.

File No. 302 of 193 7. | General and Revenue Secretariat

Issued No 223 dy 16.8.1938 to Mr. N. Venkata Rao — Govt Pleader and Extension Bangalore city —

I read Th Venkata Rao

The order of Govt passed in 1907 was made after some enquiry, though the other side was not represented probably because the Mutt was not replying to any notices from Govt. In any case the question of title was gone into & decided agst the Mutt. As pointed out by the Addl Secy it is not possible to re-open the case now nor are there any materials to do so.

So advised, the Mutt may go to the Civil Court agst the occupants. It is not possible for Govt to do anything. The Swamy may be informed accordingly, as was done last year

9/10 Aug 11/10/38

13110 Re: alienated portion of Alur Village Hiriyur TK belonging to Sri Gnanasi Mutt.

General and Revenue Secretariat — Misc 3 File No. 302 of 1937. [App. F. III—2

Serial No.

D/s ordered
8/11/10 Issue Up 9/10

No 549 of 14. 10. 38 to the Agent Sri Gnanasi Mutt Basavanagudi Bangalore City intimating that there is no reason to reopen the Case which was settled several years ago.

TYPING SECTION
12. OCT 193
GENL. & REV SECTT.

31.1.39 14.10.38

Misc 674-07

NOTE:—Contn. Sheet.

WD 0284 -GPB— 30,000—1-5-37

File No. of 193 General and Revenue Secretariat

No 1625
Agc. and Cultural Mandaboccay)

Bangalore,

24th September 1937.

My dear Sir,

I am desired to send you herewith for favour of disposal a petition received by the Dewan from Sri Satyadhyana Tirtha Sreepadangalavaru, the Swami of Uttaradi Mutt, now in Bombay, who represents that a portion of the Devadaya inam village of Alur in the Hiriyur Taluk belonging to the Mutt was alienated to a former agent of the Mutt without the knowledge of the Swami somewhere between 1904 and 1915 when the properties of the Mutt were under Government management and that an order has been passed on the petition of the Swami for the restoration of the alienated portion of the village; that no sufficient reasons existed for reopening the question after so many years, and prays that as Devadaya inam lands cannot be alienated, the property so alienated may be recovered and restored to the Mutt.

Yours sincerely,
Ce
24/9

K. V. Anantaraman, Esq., B.A.,
Revenue Commissioner in Mysore,
B a n g a l o r e.

Office of the Dewan of Mysore.

ORDERS

OFFICE NOTE

The attached letter from the Swami of the Uttaradi Mutt, now at Bombay, to the Dewan, has been handed to me by his Agent for submission to the Dewan.

An English translation of the letter is also attached.

The matter in brief is as follows:- Sri ammas a member of the "Devadiga main" village of Ales, in the Udipi Taluk has been admitted to a former agent of the Mutt without the knowledge of the Swamy, between the years 1902 & 1915 when the Mutt properties were under Govt. management. Recently, when this came to the knowledge of the Swamy he sanctioned Govt and an order is said to have been passed stating that there are no sufficient reasons to reopen the matter after so many years. The Swamy however, requests

Office of the Dewan of Mysore.

## ORDERS

## OFFICE NOTE

again that as Devadeya main lands cannot be alienated, the property in question may be recovered and restored to its state.

If the facts are as stated, it seems necessary to go into the merits. If the case and we know for the request of the Swami may be complied with.

C.
24/9

Re Copies &c...

24/9

Mr. K. V. ANANTARAMAN, B.A.,
Muzrai Commissioner.

GEN. & REV. SECTT. 1340 26 MAY 1938 MADRAS

NEW PUBLIC OFFICES,
Bangalore, ... 20th May. .... ... 1938
23.

R. Dis 161/37-8 Encl

Mung 302-37-1

Dear Mr. Noronha,

Ref. Ce 23/5/38

With reference to your D.O.No.1675 dated 24-9-1937, forwarding for disposal, a petition received by the Dewan from the Sri Swamigalu of Sri Uttaradi Mutt, representing that a portion of the Devadaya village of Alur, in Hiriyur Taluk, belonging to the Mutt, was alienated to a former Agent of the Mutt without the knowledge of the Swami, somewhere between 1904 and 1915, when the properties of the Mutt were under Government management, and praying for the restoration of the alienated properties to the Mutt, I have to state that the facts of the case have not been correctly stated in the petition. In the year Roudri 1800-01, portions of this Alur village were gifted by the then Swamigalu of the Mutt to one Kallapurada Venkalachar and this man and his descendants were stated to be in un-disturbed possession and enjoyment of the alienated property till 1904. During the Inam Settlement in 1869, the alienations (by gift) of portions of the village were noted in the Inam Register and in Column 15 of the register, particulars regarding present owners, i.e., the names of (1) Uttaradi Mutt or Satya Kamaswami Mutt (ii) Kallapur Venkatachar and six other Subsequent alienees, were also mentioned.

XR. During the year 1904, all the lands of the Mutt including the inam village under question, were attached temporarily and brought under Government management. In the year 1906, Kallapurada Gurachar petitioned to Government, advancing his claim to certain lands in the Alur village, which were under attachment. The matter was enquired into by the Amildar. The Mutt also was written to in the matter, but no reply seems to have been received from the Mutt, though a reminder was sent by the Amildar. On the report of the Deputy Commissioner, Government passed orders on 8-2-1907, directing that the portion of the Alur village belonging to Gurachar which were attached under the orders conveyed on 9-11-1904, should be released from attachment and restored to him and that the collections made during the period of attachment disbursed to him.

Thus, it is evident that the portion of Devadaya Inam was not alienated when the properties were under Government management, as alleged by the Sri Swamigalu. The Government only released the attachment that they had ~~ordered~~ made and restored it to one Gurachar, who was found to be in actual possession of the property.

Besides, Government permitted the restoration of the Mutt properties in 1915 to the Sri Swamigalu, on condition that he will so take possession of the Mutt estates with all claims and liabilities appertaining thereto as they stand at the time of transfer and will have no claims on Government thereafter. From the records it is seen that the management of Alur village was transferred to the Agent Dhammannachar of the Uttaradi Mutt, in July 1916. It cannot be said that the Mutt was unaware of the alienation till now.

Moreover, the alienation, by way of gift, was made in 1800-01. According to Chief Commissioner's Notification of 1877, all alienations of more than 50 years, standing prior to 14-12-1867, are to be confirmed to the holders. As this case falls in this category, the alienation cannot be declared to be null and void.

In the circumstances stated above, there is no ground to reopen the question which has been finally disposed of, after due consideration of all the facts of the case.

A copy of letter No.A5-S.1135/37-38 dated 3-2-1938, received from the Deputy Commissioner, Chitaldrug District, in the matter, is also enclosed.

Yours sincerely,

K V Chandrasekhara

Speak with ref.
The Swamiji of Sri Uttaradi Mutt in his petition to the Diwan requested that the portion of the Devadaya Village of Alur belonging to the Mutt which, it was represented had been alienated to a former Head of the Mutt between 1904 1908 — before the Mutt properties were under Govt management — might be restored to the Mutt. The Hon'ble Court however states that the matter has been finally disposed of after due consideration of all facts and no fresh ground for re-opening the question. ~~must~~ Hence, The Hon'ble Court may kindly suggest to Land a suitable draft to the Swamiji — with ref. his petition to the Diwan
Yes
24/5

Letter No.A5.C.1135/37-38, dated 3rd February 1938, from the Deputy Commissioner, Chitaldrug District, to the Mazrai Commissioner in Mysore.

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Subject:- Petition from the Sri Uttaradi Mutt re: alienation of a portion of Devadaya Inam village of Alur (in Hiriyur Taluk) endowed to the Mutt.

---

With reference to your D.O. letter No. M.C.28/37-38 dated 15th October 1937, calling for a detailed report on the petition relating to the subject noted above, received from Sri Sat a Dh ma Tirt a Sripadan lavaru, the Swami of Uttaradi Mutt, I have the honor to forward, herewith the entire file of connected records received with the Chitaldrug Sub-Division Officer's Memo No.R1.C.70 -M.182/37-38 dated 10th January 193 in the matter and to state as follows:-

The Swami of Sri Uttaradi Mutt represents in the petition that Alur Village in Hiriyur Taluk is endowed to the Uttaradi Mutt and that the village was confirmed to the Mutt in the Inam Settlement, that during the period, from 1904 to 1915, when the Mutt properties were under Government management, a portion of the Inam village was given the Government to the possession of the of one Matchur Gurachar, without the consent of the then Swami and that on the representation made by one Nagna Vittalachar, on behalf of the S mi, for the restora of that portion of the village to the Mutt, it was ordered that the question could not be gone into after such a long lapse of time. He requests that the Devadaya Inam lands of the Mutt cannot be enjoyed by others, the lands in the possession of Jagura achar (son of Gurachar may be ordered to be restored to the Mutt.

The case on the other side is stated by Mr. Mallapur Jagarnachar in the counter petition (enclosed herein) presented by him to this office, through Mr. K. Bhimarao, Pleader, Chitaldrug, on 20th January 1938. He states that a portion of this Alur village in question was ed to his great grand-father in the year 1804, and that the same is in the enjoyment of his ancestors and himself, since then, that the alienation is noted in the Inam Settlement Register - 1805 - and is subsequently recognized by the Government in their Order No. 3867- dated 8th February 1 , that he was the son of the Mutt from a time to m and that, previous to that period, some of his ancestors were in the

anything to do with the Mutt affairs. He further states that the present Swami, who ascended to the high priesthood in the year 1911, was managing the Mutt properties and is fully aware of all the previous records and circumstances.

From a perusal of the Inam Register (copy enclosed in the record) it is seen that the Inam Village of Alur was classified as Devadaya (vide column No. 2) and granted, free of quit-rent for the support of the Mutt of Satya Samratha Swami at Narasipur (vide columns 8 and 9). In the column No. 15, are noted the names of (1) Uttaradi Mutt or Satya Samratha Swamy Mutt and (ii) Kallapura Venkatachar and six other subsequent aliness, as noted below:-

Subsequent alienations.

1. Kallapurada Bheemavarahachar:-

| | | Extent | Assessment | On what terms | |
|---|---|---|---|---|---|
| Dry | 21 fields | 11 Cand. | 2½ Cood. | 96-14-0 | Free |
| Wet | 1 " | 1 " | .. | 1- 5-0 | " |

2. Jayara achar:-

Dry 4 fields 3 " 8½ " 17- 7- 4 "

3. Keriyur Srinivasachar:-

Dry 3 fields 4 " 9 " 17- 7-4 "

4. Talwar Ajjagan Lingah:-

Dry 3 fields 3 1/8 " 2-10-0 Jody 2-10-0

5. Mundy ally Ranga Swami for annual Muntacody:-

1 Dry field 6 " 1- Jody 1-

6. Shanbogue Ranganah:-

1 Dry field 10 " 1- Jody 1-

In the year 1904, as per Government Order No. 1881-84 dated 9th November 1904, all the lands of the Mutt (viz., 36 villages including Alur inam village in question, endowed to the Mutt in the Mysore State) were attached temporarily and brought under Government management. It is stated in that Government Order: "Government observe that the attitude of the Swamigalu has been one of extreme indifference and disregard to all advice given in the best interests of the Mutt and of the public good..... . The Swamigalavaru has moreover, shown utter disregard of

judgment passed by the Chief Court of Mysore, several years ago, directing the payment by the Mutt of the allowances and perquisites due to certain hereditary shanbhogs of the Mutt and has left the decree-holders without redress except through the intervention of the courts. The affairs of the Mutt have been allowed to fall into great disorder, many of the valuable lands endowed to the Mutt having either been gifted away or otherwise alienated, in contravention of the objects of grant, to relations and dependents ....."(vide para 6)....."In the meantime, Government are further pleased to direct that all the land endowments made to the Sri Uttaradi Mutt situated throughout the Mysore Territories (as per statement annexed) and any others that may have been omitted therefrom for want of correct information, be at once attached temporarily and kept under the management of Government in the Muzrai Department untill further orders....."(vide para 7

In the year 1906, Mallapurada Gurachar, (son of Bheemavarachar), appear to have petitioned to Government (i.e., the Muzrai Secretary) advancing his claim to certain lands in the Alur village, (i.e., ಮಲ್ಲಾಪುರದ ಗುರಾಚಾರ್ and stating that they were gifted to Venkatachar, his great grandfather, by the then Swami, Sri Satya Dharma Sri Padangalavaru of the Uttaradi Mutt, in the year Roudri, 60 years prior to the previous Roudri year, that the lands were since that time, in the enjoyment of his ancestors and himself, and that Sethumata Chitte accounts were maintained for those lands, and kandayam was being recovered on them separately by the aliences. That petition was enquired into (vide Taluk Office file flagged VI). The Amildar, Hiriyur Taluk, recorded the statement of the ryots of Alur and Mallapurada Gurachar, on 11th January 1907, and of the Village Officers of Alur, on 12th January 1907. On the basis of the statements and the Chitte accounts of 1864 and the copy of the gift-deed, the Amildar reported on 13th January 1907, that the lands in question came to the possession of the ancestors of Gurachar 106 years previously, and that, since then, they were enjoying "the lands", that in the Chitte accounts of 1864, the details of the fields of the Mallapura Achar were clearly noted. It is also stated in that report of the Amildar that as per orders, the Mutt was written to, in the matter, that no reply was received from the Mutt and that a reminder was also sent, and that the petitioner (Gurachar) had said that if the consent of the Mutt was necessary he would get it. On the report of the Deputy Commissioner, Government passed orders No.3337-8 dated 8th February 1907, directing that, the portion of

the Alur village, belonging to Gurachar, (about 420 acres of land, with an assessment of 100), which were attached under the orders conveyed in the Government Proceedings of the 9th November 1904, should be released from attachment and restored to him and that the collections made during the period of attachment (viz., 161-12-3 for the years 1903-04 to 1905-06) disbursed to him."

In their Order dated 11th November 1915, Government permitted the restoration of the Mutt properties to the Swamigalu, subject to the following, among other conditions:-

"But before handing over actual possession, Government deem it necessary that the Swamigalu should enter into an agreement that he will so take possession of the Mutt estates with all claims and liabilities and obligations thereto as they stand at the time of transfer and will have no claims on Government thereafter...."

It is seen from the records that the management of Alur village was transferred to the Agent, Thammannachar, of the Uttaradi Mutt, in July 19 (vide Tiptur Amildar's report dated 1st November 1916--flagged IV).

From the above history of the case, it may be stated that the Government Order of 8th February 1907, referred to above, is the most important one in the present issue and has concluded the matter finally. It mentions the facts, the evidence and findings and the result, on the issue of the claim of Gurachar to the lands in question. It was found to be a fact that "in the year Soudri(1800-01), portions of the village were gifted by the then Swamigalu of the Mutt to Kallapurada Venkatachar, grandfather of the petitioner (Gurachar), as evidenced by the authenticated copy of the deed-of-gift produced in the case". "During the Inam Settlement, the alienation by gift) of portions of the Alur village was noted in the Inam Register, Kallapurada Shamavarachar, father of the petitioner being shown as the person then in possession". It was also found that the lands were "in the independent and undisturbed enjoyment of Gurachar and his ancestors for the past 106 years, that the cultivators of the lands had been paying annual assessment to Gurachar, direct, and that the lands were in the enjoyment of Gurachar's family without any connection with the Mutt or more than a century". The claim of Gurachar to the lands was, therefore, considered valid and acceptable, and Government, thereupon, directed that the portions of the Alur village, belonging to the petitioner, which

were attached under the orders conveyed in Government Proceedings of the 9th November 1904, read above, should be released from attachment and restored to him, and the collections made during the period of attachment were also ordered to be disbursed to him".

It may also be noted in this connection, that, under the Inam Rules applicable in this behalf, the alienation in the case of the lands in the Devadaya Inam lands, cannot be declared to be null and void. It is clear from Government Order dated 8th February 1907, that the alienation was made "in the year Roudri 1800 or 1801". The alienation is, therefore, prior to the 31st day of January 1853, and so, the Inam Rules contained in the Chief Commissioner's Notification No.236 dated 17th November 1877 are applicable (vide proviso of Section 30 of the Mysore Religious and Charitable Institutions Act of 1927). It is laid down in the said notification that "Lands held for 50 years and upwards with or without titles, computing the period of possession up to 14th December 1867, will be confirmed to the holders on the terms prescribed in the Land Inam Rules and will not be included in the title-deed granted by the Inam Department to the religious institutions". (Vide pages 223 and 224 of the Mysore Muzrai Manual).

In view of the said Government Order of 8th February 1907, passed in the matter, and of the Inam Rules applicable in this respect, it seems to that the Mutt has no prima facie case, for re-opening the matter--and that too, at this distance of time, after 30 years from the date of the Government Order, and after a period of 137 years from the time of the alienation of the lands in question to Gurachar's family, and when the lands have been in the independent and undisturbed enjoyment of Gurachar's family, all along, since the time of alienation. It could not be that the Mutt was entirely unaware of the matter, all along, till now. From the Amildar's report (dated 15th January 1907 in the file) leading to the Government Order of 8th February 1907, it is seen that a reference was also made to the Mutt in the matter, but no reply was received from the Mutt and that a reminder was also sent. No reply appears to have been given by the Mutt. Subsequently, the Government Order of 8th February 1907 was passed and it has to be treated as final in the circumstances. From what is stated in the present petition, from the Mutt, it appears that a previous attempt made by the Mutt before Government, for the re-opening of the matter, failed; in that, one Vasna Mittalachar agent of the Mutt, petitioned to Government in the matter and that it was

ordered that the question could not be re-opened after such a long lapse of time.

The present petition, under reference, is evidently, a further attempt in the matter. In the circumstances noted above, there seems no case to re open the matter.

---

"C O P Y"

M. N. Arunachalam.

For Muzrai Commissioner.

23/5/1938

**GENERAL AND REVENUE SECRETARIAT,**

D O. No. 223
Mu3302-37

*Bangalore,* 16th August 1938.

Dear Sir,

With reference to your request for an interview with the First Member of Council to represent certain matters in connection with the restoration of certain lands in Alur village, Hiriyur taluk to Kallapuradda Gurachar, I am desired to inform you that you may appear on any office day at 3.30 p.m.

Yours truly,

M. Venkatarao, Esq.,
(Retired Superintendent, G.R.S.)
Gavipuram Extension,
residing near Madhava Iyengar's Bungalow,
Bangalore City.

Appendix F G—1]

SUBJECT.....

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Section Mag

File No. 307—37

Serial No. 2

*Diary No. of letter replied to* .....

No. 5749

To Asthana Vidwan
Ved: A. Yegna Vittalacharya
Agent. Sri Ekambaranathar Mutt.
Kanchipuram -

General and Revenue Secretariat

( )

*the* *193*

Date of issue.....

Signed by.....

Do work
With reference to a petition addressed
to the Diwan from the Swamigal
of Sri Ekambaranathar Mutt requesting
that a portion of Alur Inam
Village Sriperumbudur may be alienated
to the former agent of the Mutt
may be accepted from him
and addressed to the Mutt,
I am directed to state,
Ved: Yegna Vittalacharya
that
the
to reopen

List of enclosures.....

Copied by.....

Examined by .....